

Attorney Docket No.
CROSS1450

09/681,535
Customer ID: 25094

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REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed August 12, 2003. Applicant respectfully requests reconsideration and favorable action in this case.

Summary

Claims 9, 27 and 29-61 were pending in the application prior to entry of the foregoing amendments. Claims 27, 29-31 and 47-49 were rejected by the Examiner and Claims 32-35 and 50-61 were objected to. Applicant has amended claim 32 and has canceled claims 27, 29-31 and 47-49. Claims 9, 32-46 and 50-61 therefore remain pending in the application.

Rejections under 35 U.S.C. § 102

Claims 27, 29-31 and 47-49 stand rejected as anticipated by U.S. Patent No. 6,137,798 ("Nishihara"). Applicant hereby cancels claims 27, 29-31 and 47-49 without prejudice or disclaimer to the subject matter recited therein, and reserves the right to pursue these claims in a continuation application. Because the rejected claims have been canceled, the Examiner's rejection is moot.

Claim Objections

Claims 32-35 and 50-61 stand objected to as being dependent upon a rejected base claim, but would be allowed if rewritten in independent from, including all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 32 to incorporate all of the limitations of claim 31, from which claim 32 previously depended. This amendment does not affect the scope of claim 32. Claim 32 is therefore believed to be allowable. Further, since claims 33-35 and 50-61 depend from claim 32, which is now allowable, these claims are believed to be allowable as well. Accordingly, Applicant respectfully requests that the Examiner withdraw the objections and allow claims 32-35 and 50-61.

Conclusion

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence.

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to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of claims 9, 32-46 and 50-61. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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